

to the reclassification of membership dues for purposes of the tax on unrelated business income.

(C) Long-standing recognized practice of agricultural or horticultural organizations.

**SEC. 1116. CLARIFICATION OF EMPLOYMENT TAX STATUS OF CERTAIN FISHERMEN.**

(a) CLARIFICATION OF EMPLOYMENT TAX STATUS.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

(A) DETERMINATION OF SIZE OF CREW.—

Subsection (f) of section 3121 (defining employment) is amended by adding at the end the following new sentence:

"For purposes of paragraph (20), the operating crew of a boat shall be treated as normally made up of fewer than 10 individuals if the average size of the operating crew on trips made during the preceding 4 calendar quarters consisted of fewer than 10 individuals."

(B) CERTAIN CASH REMUNERATION PERMITTED.

Subparagraph (A) of section 3121(b)(20) is amended to read as follows:

"(A) such individual does not receive any cash remuneration other than as provided in subparagraph (B) and other than cash remuneration—

"(i) which does not exceed \$100 per trip;  
"(ii) which is contingent on a minimum catch; and

"(iii) which is paid solely for additional duties (such as mate, engineer, or cook) for which additional cash

remuneration is traditional in the industry."

(C) CONFORMING AMENDMENT.—Section

6050A(a) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting "; and", and by adding at the end the following new paragraph:

"(5) any cash remuneration described in section 3121(b)(20)(A)."

(2) AMENDMENT OF SOCIAL SECURITY ACT.—

(A) DETERMINATION OF SIZE OF CREW.—

Subsection (a) of section 42 USC 410.

Security Act is amended by adding at the end the following new sentence:

"For purposes of paragraph (20), the operating crew of a boat shall be treated as normally made up of fewer than 10

individuals  
if the average size of the operating crew on trips  
made during  
the preceding 4 calendar quarters consisted of fewer  
than 10 individuals.

(B) CERTAIN CASH REMUNERATION  
PERMITTED.

Subparagraph (A) of section 210(a)(20) of  
such Act is  
amended to read as follows:

"(A) such individual does not receive any  
additional  
compensation other than as provided in  
subparagraph (B)  
and other than cash remuneration—

"(i) which does not exceed \$100 per trip;

"(ii) which is contingent on a minimum catch; and

"(iii) which is paid solely for additional duties (such  
as mate, engineer, or cook) for which additional cash  
remuneration is traditional in the industry."

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(3) EFFECTIVE DATES.

note.